

Jesse Merrithew, OSB No. 074564

Email: jesse@lmhlegal.com

Viktoria Lo, OSB No. 175487

Email: viktoria@lmhlegal.com

Levi Merrithew Horst PC

610 SW Alder Street, Suite 415

Portland, Oregon 97205

Telephone: (971) 229-1241

Juan C. Chavez, OSB No. 136428

Email: jchavez@ojrc.info

Brittney Plessner, OSB No. 154030

Email: bplessner@ojrc.info

Alex Meggitt, OSB No. 174131

Email: ameggitt@ojrc.info

Franz H. Bruggemeier, OSB No. 163533

Email: Fbruggemeier@ojrc.info

Oregon Justice Resource Center

PO Box 5248

Portland, OR 97208

Telephone: 503 944-2270

J. Ashlee Albies, OSB No. 051846

Email: ashlee@albiesstark.com

Whitney B. Stark, OSB No. 090350

Email: whitney@albiesstark.com

Maya Rinta, OSB No. 195058

Email: maya@albiesstark.com

Albies & Stark LLC

1 SW Columbia St. Suite 1850

Portland, Oregon 97204

Telephone: (503) 308-4770

Facsimile: (503) 427-9292

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal
corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

DECLARATION OF CARLY NG IN
SUPPORT OF PLAINTIFF'S MOTION FOR
CLASS CERTIFICATION
ORAL ARGUMENT REQUESTED

I, Carly Ng, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein.
2. On the evening of August 10, 2020, I attended a Black Lives Matter protest near PPB's North Precinct on Martin Luther King Jr Blvd at Northeast Killingsworth Street.
3. We were all standing on MLK Jr Blvd, and most people were just chanting and holding signs. I noticed there were a few people who were louder about verbally expressing anger and insults toward the police. I also remember seeing a number of people who seemed like it was their first time at a protest. The vast majority of people present were fairly passive, participating in chants or just holding signs.
4. I was standing on the median dividing the North and South bound lanes on MLK Jr Blvd. I was not holding a sign that day, but I was participating in chants in support of the movement for Black Lives.
5. I was near the back of the protest. Most of the participants in the protest were facing toward the precinct building.

6. I noticed a lot of PPB officers in marked PPB cars driving around, and I constantly saw police on the roof of the precinct conducting visual surveillance of the protesters. There was also a line of PPB officers in front of the precinct, but there were not all that many of them.

7. Police were using the tactics of shining flashlights and other bright lights in our eyes, and I saw a number of them smirking at us in a way that seemed contemptuous. I felt that they were behaving very unprofessionally.

8. I believe I was at the protest for approximately an hour before PPB officers initiated force against the protesters, myself included.

9. To the best of my knowledge, the officers who used force against us were Portland Police Bureau, they were wearing uniforms that looked like PPB.

10. We had been facing toward and focused on the line of PPB officers staged in front of the precinct, when suddenly we were surprised by a huge PPB riot line which began bull rushing at us from the south on MLK Jr Blvd, driving us north.

11. It seemed like there was some kind of announcement made over the police loudspeaker system at approximately the same time those of us toward the back of the protest noticed the riot line advancing, but I remember the content of the announcement being difficult to understand, particularly for the people further away from it; those who were positioned closer to the front of the protest.

12. When the PPB bull rush started, it felt like pure aggression from the police. They shouted "MOVE," ostensibly to clear the area, but they were running after people and shoving them to the ground, and then continuing to shove and strike them after they were already on the ground. I could see other protesters being hit with batons. It seemed clear to me that PPB's tactics were intended to terrify and injure us, not to actually clear the street. It really scared the crowd and scattered them. People started running. There was an atmosphere of fear and panic.

13. Police were also rushing toward vehicles, and one car struck a protester after the driver appeared to panic and lose control of the vehicle during the bull rush. I briefly stayed behind to try to make sure that the woman who had been hit was alright. This also had the effect of putting me further behind, and closer to being injured by the officers involved in the PPB bull rush.

14. I was in the second line away from where people were initially being struck by the police bull rush. I was pushed to the ground and sustained some fairly severe scrapes and some bruises. It was difficult to tell if I had been directly struck by a PPB officer when I was pushed to the ground, or if I was struck by someone else who PPB had shoved or thrown into me. When I was on the ground, I felt that I had to get up as quickly as possible, because PPB was continuing to shove and strike other people all around me, making me a tripping hazard. I also felt that I was in imminent danger of being trampled.

15. It appeared to me that PPB were shoving and striking everyone indiscriminately.

16. Once I was able to regain my footing, I ran as fast as I could. Everyone had to run as fast as possible. I couldn't stop, or I felt like I would be further injured in the bull rush. I felt like I was going to pass out and found myself dry heaving from the exertion. When some of us felt like we were far enough away, we were still terrified and trying to come up with a safe way navigate. We did not know who was safe or who had been hurt.

17. On the previous evening, August 9, 2020, I had also been at a protest; this time at the Portland Police Association headquarters on North Lombard St at North Campbell Ave.

18. There was a pretty big crowd of protesters with various intensities. Someone had purchased the entire stock of donuts from the donut shop across Lombard from the PPA building so that the business wouldn't feel pressure to stay open during potential police use of force against protesters. There were thus lots of people in good spirits hanging out and eating donuts. Some residents of the nearby neighborhoods also came out to say hello to the protesters.

19. Initially, and for quite some time, there were no visibly identifiable police near the protest.

20. At a certain point, what felt like an overwhelming number of police arrived all at once in many different vehicles. They seemed to be intentionally using their vehicles to threaten and intimidate protesters that night, driving directly toward people and groups of protesters to make them jump out of the way.

21. I believe I remember that as soon as the police arrived, they declared a riot and we were told to disperse. There was almost no time between this announcement and the initiation of a bull rush, and possibly also the deployment of gas. The police were all in riot gear, there were a lot of them, and they had the same aggressive demeanor I noted from the following evening.

22. Most protesters, me included, seemed to experience a reluctantly instinctive "knee-jerk" urge to disperse in response to this initial round of police intimidation and force. I remember one Black woman promptly re-entering the street and urging us all to regroup, to hold the line, and to resume our Black Lives Matter demonstration. Several other people and I, all of whom I recall being women, joined her in the street in solidarity.

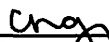
23. Almost as soon as we resumed our protest, a PPB vehicle began driving directly toward us. I jumped into the donut shop parking lot to avoid being hit by the PPB vehicle. I believe they had also begun deploying more gas and less-lethal munitions.

24. Teams of PPB officers then started rushing at protesters from different directions. They were pushing us in different directions into the surrounding residential neighborhoods. I remember running and running and seeing other protesters also trying to run and hide. I got scratched up running away from PPB through bushes. I was shocked by the extreme callousness of the police; they didn't want to peacefully disperse the protest, they only seemed to want to exact retribution, to assert power, and to inflict pain and injury. At that point, PPB didn't seem to have any objective other than catching protesters and hurting them.

25. I definitely continued to protest after these experiences, but it changed my approach to participating. August 10th, 2020 was my first experience of being knocked down and injured in a PPB bull rush, and it made me feel the need to be more prepared. I studied and asked questions about my civil rights in protest situations. I also acquired protective gear so that it would be more difficult for PPB to seriously injure me. These experiences made participating in protests much scarier, and also made me much angrier.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 10, 2022.



Carly Ng (Jan 11, 2022 12:50 PST)

CARLY NG